

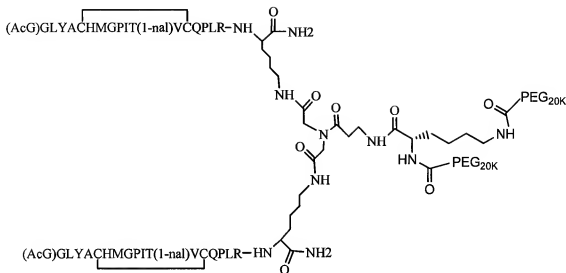
REMARKS

At the outset, Applicants thank Examiner Joseph R. Kosak for the courtesies extended on Monday, October 20, 2008 during the telephonic interviews with Applicants' undersigned representative. During that interview, the above claim amendments were discussed. Examiner Kosak also indicated that the Notice mailed September 30, 2008 (the "Notice") would be withdrawn, and Applicants' original and proposed claims would be examined.

Accordingly, Applicants are presenting this Preliminary Amendment and Response to formally introduce their proposed claim amendments. Specifically, claim 35 has been amended without prejudice or admission, so that the claim depends from claim 20 rather than from claim 16. Claims 11 and 26 have also been amended without prejudice or admission, to specify a peptide dimer comprising two "peptide monomers" instead of two "peptides." New dependent claims 37-44 have been added to specifically claim preferred embodiments of Applicants' invention, where the poly(ethylene) glycol ("PEG") moiety comprises two monomeric PEG chains. Support for the new claims can be found in the specification as filed, *e.g.*, at page 9, line 19 to page 10, line 12 and in Example 17 on pages 46-50. No new matter has been introduced. In addition, new dependent claims 45-52 have been added to particularly claim preferred embodiments where the claimed compounds also comprise a linker moiety, which dimerizes two peptide monomers and joins them to the recited spacer moiety. Such embodiments are described in the specification as filed, *e.g.*, at page 10, line 13 to page 11, line 24 and at page 19, lines 15-28.

Hence, claims 1-52 will be pending upon the entry of this amendment. Entry and consideration of the new and amended claims are respectfully requested.

In response to the Examiner's species election requirement mailed December 13, 2007, Applicants have previously elected, with traverse, the compound described in Example 17 of this application; *i.e.*, the compound having the chemical formula:



Applicants understand that the claims may be restricted to this elected species if no generic claim is found allowable.

As discussed during the interview, the original claims of this application do encompass the compound of Example 17, as well as other compounds with a PEG moiety that comprises two or more monomeric PEG chains. In particular, the Examiner's attention is respectfully directed to the passage at page 9, line 19 to page 20, line 12 of the specification as filed. This passage specifically teaches that a PEG moiety of the invention may comprise two monomeric PEG chains, and describes examples of how two monomeric PEG chains can be linked together in a PEG moiety of the present invention. In particular, the specification teaches that the two monomeric PEG chains can be linked together by a lysine amide (*i.e.*, a lysine residue whose carboxyl group has been converted to an amide moiety, CONH₂).

The Examiner's attention is also invited to the passages at page 10, line 13 to page 11, line 24 and at page 19, line 15 to page 21, line 19 of the specification as filed. These passages describe a trifunctional linker moiety that can be used in preferred embodiments of the invention, to attach a peptide moiety to the spacer moiety. In particular, the trifunctional linker can be used to join two peptide monomers, by forming an amide bond with the ε-amino group of a terminal

lysine residue on each monomer, thereby forming a peptide dimer. The peptide dimer thus formed can then be joined to the spacer moiety, via the same trifunctional linker.

The compounds demonstrated in Example 17, including the compound elected by Applicants, are examples of such compounds. The peptide moiety of this compound is a peptide dimer, comprising two peptide monomers chemically joined via the above-described linker moiety which is, in turn, covalently bound to the spacer moiety. The PEG moiety of the elected compound comprises two monomeric PEG chains linked by a lysine amide, and is also attached to the spacer moiety.

Such compounds, including the compound species elected by Applicants, are encompassed by the pending claims of this application. So that this may be more readily apparent, new dependent claims 37-52 have been introduced in the above amendments. New claims 37-44 specifically recite and claim embodiments where the PEG moiety comprises two monomeric PEG chains, including embodiments where the PEG chains are linked through a lysine amide. New claims 45-52 recite and claim embodiments where the peptide moiety comprises a peptide dimer. These include dependent claims reciting embodiments where the two peptide monomers are covalently joined, both to each other and to the spacer moiety, via a trifunctional linker. New claims 37-38, 40-42 and 44-52, as well as the original claims from which they depend, all encompass the species originally elected by Applicants -- *i.e.*, the compound of Example 17.

Applicants therefore traverse the requirements of the Notice, and reserve the right to petition therefrom under 37 C.F.R. § 1.181. Applicants respectfully submit and request that the requirements of the Notice should be withdrawn, and that the pending claims should be examined at least with respect to Applicants' originally elected species.

Conclusion:

For all of the foregoing reasons, Applicants respectfully submit that the requirements of the PTO Notice should be withdrawn, and Applicants' originally elected species should be

Preliminary Amendment and Response
to Notice of Nonresponsive Reply

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examined. Should the Examiner have any questions or concerns after considering these arguments and remarks, he is invited to contact Applicants' undersigned representative at the number indicated below. Examination of Applicants' pending claims, including their originally elected species, is earnestly sought.

Respectfully submitted,

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